

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-2952

United States of America,

Appellee,

v.

Jason Paul Annis,

Appellant.

*

*

*

*

*

*

*

*

*

Appeal from the United States
District Court for the Northern
District of Iowa.

[UNPUBLISHED]

Submitted: January 23, 2002

Filed: January 28, 2002

Before BOWMAN, MORRIS SHEPPARD ARNOLD, and RILEY, Circuit Judges.

PER CURIAM.

Jason Paul Annis pleaded guilty to knowingly selling or disposing of a stolen firearm, in violation of 18 U.S.C. § 922(j) (1994), and was sentenced to eight months' imprisonment and three years' supervised release. While serving his supervised release, the probation office filed a petition alleging that Annis had violated his release conditions. The District Court¹ subsequently modified the release conditions to include service of a five-month term at a community center. However, Annis failed to report to the center. After the District Court conducted a hearing at which Annis

¹The Honorable Michael J. Melloy, United States District Judge for the Northern District of Iowa.

stipulated that he had failed to report in violation of the modified release condition, the Court revoked his supervised release and sentenced him to fourteen months' imprisonment and additional supervised release of one year. Annis now appeals, challenging the revocation sentence. We affirm.

When a district court finds by a preponderance of the evidence that a defendant has violated a supervised release condition, the court may revoke supervised release and impose imprisonment without credit for time previously served on postrelease supervision. See 18 U.S.C. § 3583(e)(3) (1994). We review for abuse of discretion. See United States v. Grimes, 54 F.3d 489, 492 (8th Cir. 1995).

Having carefully reviewed the record and Annis's arguments on appeal, we conclude that his revocation sentence neither exceeds the limits of section 3583(e), nor constitutes an abuse of discretion by the District Court. See United States v. St. John, 92 F.3d 761, 766 (8th Cir. 1996); United States v. Smeathers, 930 F.2d 18, 19 (8th Cir. 1991) (per curiam).

Accordingly, we affirm. The motion to withdraw submitted by Annis's counsel is granted.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.